

REMARKS

In the Office Action, claim 5 was objected to as being in improper form.

Claim 1 was rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 6,464,872 (Honda), and claims 1-4 and 6-14 were rejected under 35 U.S.C. 103(a) as obvious over Honda alone or in view of alleged matters of design choice.

Applicants have amended claims 1-8, 11,13 and 14 in a manner consistent with the specification to eliminate informalities, remove multiple dependencies, clarify the claimed subject matter and to better emphasize their patentable distinction over the cited prior art. Support for this amendment is found in the paragraphs of the Brief Description of the Invention, in the Detailed Description of the Invention, and within drawing Figures 1-3.

With respect to rejected claims 1-4 and 6-14, the examiner raises Honda to try to show a delivery unit in accordance with Applicants' claim 1. Applicants wish to point out that the fuel filter of Honda "includes a bag member made of a filtration material, a cylindrical portion provided to the bag member to allow the suction side of the fuel pump to communicate with an interior of the bag member, and a shape keeping frame for the bag member...." Abstract, Honda. Indeed, the filtration in Honda is accomplished by a traditional filtration material in the form of a "filtration cloth E" formed into a bag member, as shown in part in FIG. 10. Honda, col. 4, lines 58-61. To keep the bag from collapsing when in communication with the suction inlet of a fuel pump, the fuel pump of Honda includes a "shape keeping frame 30 for keeping a shape of the bag shape member...." Honda, col. 4, lines 61-64.

All of the shaped elements and gaps of the device disclosed in Honda that are referred to by the examiner are intended to help attach and support a filter bag and to

direct the fuel flow toward a central inlet. Honda includes “abutting pieces 33 provided to the ring shape portion 32” Honda, col. 5, lines 45-56, to also provide for the fuel to be “properly guided toward a central direction.” Honda, col. 5, lines 41-44. The shaped elements and any gaps therebetween in the Honda device do not perform a filtering function, which is performed instead by the filtration cloth E. This is especially evident in that any of the shaped elements or gaps lie inside of the filtration bag (between the filter cloth and the fuel pump inlet). Thus, the fuel passing through the filtration cloth E has already been filtered before it reaches the region having the far more broadly spaced elements or gaps. This is why they act as a shape keeping frame and merely guide the fuel, as opposed to filtering the already filtered fuel.

There is no teaching in Honda that the shaped elements or gaps should be spaced so as to act as a filtration media, and to do so would overly restrict the fuel flow, making the device unfit for its intended purpose. Honda also does not appear to teach the shaped elements being located on the bottom of a baffle within which the fuel pump is arranged. Instead, Honda teaches the fuel filter assembly being mounted to a fuel pump inlet which, together with the fuel pump, is located inside of a baffle, and above the bottom of the baffle. Contrary to the examiner’s assertion that the elements are on the bottom of baffle D in Honda, Applicants’ shaped elements are on an underside of the bottom of the baffle.

In contrast, the subject matter of Applicants’ amended independent claim 1 makes clear that the radial-onflow filter is arranged on an underside of a bottom of a baffle and the at least one region (12) and gaps (11, 11a, 11b) define a fuel filter media. Thus, the regions and gaps formed vertically and horizontally by the shaped elements create the filter itself, and not a support for a filter cloth. The drawings are not to scale and the sizes are exaggerated a bit to better show the regions and gaps, but

one of ordinary skill in the art reading the entire disclosure would understand that they are to be sized to perform the filtering function. This is especially understood with respect to Applicants' statements in the specification indicating that the degree of filtering can be influenced based on the lengths and widths of the different gaps, and that by using rows of shaped elements a labyrinth can be formed, improving the degree of filtering.

Based on the amendment of claim 1 and the above remarks, it is respectfully submitted that claim 1 is patentable.

As to the dependent claims 2-14, as each of these claims depends directly or indirectly from patentable claim 1 and adds further limitations thereto, claims 2-14 also should be patentable. In addition, Applicants wish to point out that, with respect to claims 2 and 8 (and thereby claims 9-14), Honda does not show standing elements on an underside of a bottom of a baffle and having greater axial length than the shaped elements. Contrary to the examiner's assertion, Applicants do point out in the Detailed Description of the Invention the advantage of this feature in that it allows the regions (12) between the shaped elements (10) and the tank bottom (9) to provide filtering. Similarly, as to claim 3, Honda does not show shaped elements having different axial lengths, and Applicants respectfully submit that this would not have been an obvious matter of design choice because nothing in Honda suggests the advantage of doing so and any shaped elements having a shorter axial length in Honda would not have served any purpose. It is Applicants' present teaching that suggests the advantageous nature of this feature which again permits filtration that is not otherwise needed when one utilizes a filter cloth or bag as in Honda. For these further reasons, Applicants believe the dependent claims also are patentable.

The above amendments to claims 1-8, 11,13 and 14 are fully in keeping with the subject matter disclosed and described in the specification, making it unlikely that such amendments would necessitate another search by the examiner. In accordance with the above amendments and remarks, Applicants request consideration and entry of the amendments herein, and withdrawal of the rejections. Applicants submit that with such amendments, independent claim 1, as well as claims 2-14 depending therefrom, are patentable and should be allowed. If there are any remaining issues in this application, Applicants urge the examiner to contact the undersigned attorney at the number listed below.

No additional claims have been added. Accordingly, Applicants believe that no further fee is due with this response, however, the Commissioner is authorized to charge any fee deficiency due for the filing of this paper to deposit account number 50-2455.

Respectfully submitted,

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